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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/910,640  | 07/20/2001  | Jeff A. Shumway      | 3744P2340           | 2624             |
| 23504   | 7590        | 02/03/2006           | EXAMINER            |                  |
| WEISS & MOY PC<br>4204 NORTH BROWN AVENUE<br>SCOTTSDALE, AZ 85251 |             |                      | GRAHAM, CLEMENT B   |                  |
|   |             | ART UNIT             | PAPER NUMBER        | 3628             |

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/910,640             | SHUMWAY, JEFF A.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Clement B. Graham      | 3628                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 July 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-58, are rejected under 35 U.S.C. 102(b) as being anticipated by Kosiba et al (Hereinafter Kosiba U.S Patent 6, 098, 052).

As per claim 1, Kosiba discloses a method for collecting a debt comprising the steps of: retaining a debt collector to collect a debt owed by a debtor to a creditor; said debt collector agreeing to take steps to attempt to collect said debt from said debtor in exchange for a fixed fee payment from said creditor.(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

wherein payment of said fixed fee payment is independent of whether said debt collector is successful in collecting said debt from said debtor; and  
said debt collector attempting to collect said debt from said debtor.(Note abstract and see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 2, Kosiba discloses wherein said steps include the sending of a demand letter to said debtor. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 3, Kosiba discloses wherein said steps include the filing of a lawsuit against said debtor to collect said debt. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 4, Kosiba discloses wherein said steps include the conduct of pre-trial activities in support of said lawsuit. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 5, Kosiba discloses wherein said steps include the conduct of a trial in support of said lawsuit. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

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As per claim 6, Kosiba discloses wherein said steps include the enforcement of a judgment obtained as a result of said lawsuit.

As per claim 7, Kosiba discloses further comprising the step of sending said demand letter to said debtor. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 8, Kosiba discloses wherein said demand letter informs said debtor that said lawsuit will be filed if said debt is not paid within a specified period of time. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 9, Kosiba discloses further comprising the step of filing said lawsuit against said debtor after expiration of said specified period of time. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 10, Kosiba discloses further comprising the step of sending said demand letter to said debtor.

As per claim 11, Kosiba discloses wherein said demand letter informs said debtor that said lawsuit will be filed if said debt is not paid within a specified period of time. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 12, Kosiba discloses further comprising the step of filing said lawsuit against said debtor after expiration of said specified period of time. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 13, Kosiba discloses further comprising the step of sending said demand letter to said debtor. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 14, Kosiba discloses wherein said demand letter informs said debtor that said lawsuit will be filed if said debt is not paid within a specified period of time. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 15, Kosiba discloses further comprising the step of filing said lawsuit against said debtor after expiration of said specified period of time. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 16, Kosiba discloses further comprising the step of conducting said pre-trial activities in support of said lawsuit.

As per claim 17, Kosiba discloses wherein said steps further include conduct of said trial and further comprising the step of conducting said trial. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 18, Kosiba discloses wherein said steps further include enforcement of a judgment obtained following said trial and further comprising the step of enforcing said judgment. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

As per claim 19, Kosiba discloses a method for collecting a debt comprising the steps of: retaining a debt collector to collect a debt owed by a debtor to a creditor.(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).  
said debt collector agreeing to take steps to attempt to collect said debt from said debtor in exchange for a fixed fee payment from said creditor.(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

wherein said steps include each of the sending of a demand letter to said debtor, the filing of a lawsuit against said debtor to collect said debt, the conduct of pre-trial activities in support of said lawsuit, and the conduct of a trial in support of said lawsuit; wherein payment of said fixed fee payment is independent of whether said debt collector is successful in collecting said debt from said debtor; and  
said debt collector attempting to collect said debt from said debtor by taking at least one of said steps. .(see column 3 lines 14-67 and column 4 lines 5-45 and column 5-7 lines 1-67).

### **Conclusion**

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Liddy Eder (US Patent 6, 026, 388) teaches user interface and other enhancements for natural language information retrieval system and method.

Kohorn US PATENT: 5, 508, 731) teaches generation of enlarged participatory broadcast audience.

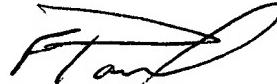
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

January 23, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER

A4 3628